IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14724 of 2005

Between:

Smt.V.Eramma, w/o V.Basavaraju,
Malkapuram (V), Yemmiganur (M), kurnool District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Adoni, Kurnool District.
2 The Mandal Revenue Officer, Yemmiganur Mandal, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the order passed by the 1st respondent herein in his proceedings No.D.Dis/664/2005, dt.13-6-05 as highly illegal, arbitrary and violative of the principles of natural justice and also violative of Art.14, 19(1)(g) and 21 of the Constitution of India and restrain the respondents from proceedings further in pursuance of the impugned order and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.PURSHOTHAM REDDY

Counsel for the Respondents: G.P. FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

In this writ petition, the petitioner seeks to declare the order passed by the first respondent in Proceedings No.D.Dis/664/2005, dated 13-6-2005, canceling her assignment patta in respect of Ac.2-46 cents in survey No.62/A of Benavasi village of Yemmiganur Mandal, Kurnool District, as illegal, arbitrary and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India.

The main grievance of the petitioner is that the first respondent without conducting any enquiry or without giving her any show-cause notice, cancelled the assignment patta by the impugned proceedings, which is illegal and arbitrary. Assailing the impugned proceedings of the first respondent, the petitioner filed this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents.

The learned Government Pleader for Revenue submits that there is an alternative remedy of Revision available to the petitioner before the Joint Collector against the impugned order passed by the first respondent-Revenue Divisional Officer, Adoni and the petitioner without exhausting the said remedy, approached this Court invoking the jurisdiction under Article 226 of the Constitution of India.

Having regard to the fact that the petitioner having alternative remedy by way of Revision before the Joint Collector, it is open to her to avail the alternative remedy of Revision before the Joint Collector.

In the above view of the matter, the writ petition fails and the same is accordingly dismissed at the stage of admission. No order as to costs.

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E. DHARMA RAO, J

Dated: 08-07-2005

MRKR

To

1. The Revenue Divisional Officer, Adoni, Kurnool District.
2. The Mandal Revenue Officer, Yemmiganur Mandal, Kurnool District.

3. Two C.Cs. to G.P. for Revenue, High Court of A.P., Hyderabad (O.U.T.).

4. Two C.D. copies.